

SENATE BILL 3264

By Harper

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 5, Part 3, relative to dismissal or
suspension of certain school personnel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 3, is amended by
adding the following as a new section thereto:

Section 49-5-304.

(a) In any county with a metropolitan form of government and a population of more than five hundred thousand (500,000), according to the 2000 federal census or any subsequent census, educational personnel subject to an employment contract, tenure, or other such agreement, may, within thirty (30) days after receipt of the notice of dismissal, demand a hearing on such dismissal charges.

(b) The school personnel shall be entitled to a full and complete hearing before an impartial hearing officer selected by the board.

(1) The school personnel shall have the right to be represented by counsel, the opportunity to call and subpoena witnesses, the opportunity to examine all witnesses, and the right to require that all testimony be given under oath.

(2) For the purposes of this subsection (b), impartial means that the selected hearing officer shall have no history of employment with the board, no service in any capacity with the board or the metropolitan government, no relationship with any board member, and no relationship with the affected school personnel or representatives of the school personnel.

(c) At the conclusion of the hearing, the hearing officer shall reduce to written form all factual findings and decisions related to the charges. The hearing officer's decision shall be

delivered to the affected employee and the board within ten (10) days following the close of the hearing.

(d) If the affected school personnel desires to appeal from a decision rendered in whole or in part in favor of the school system, the school personnel shall first exhaust the administrative remedy of appealing the decision to the board of education within ten (10) working days of the hearing officer's delivery of the written findings of fact, conclusions, and decision to the affected employee.

(e) Upon written notice of appeal, the director of schools shall prepare a copy of the proceedings, transcript, documentary and other evidence presented, and transmit the copy to the board within twenty (20) working days of receipt of notice of appeal.

(f) The board shall hear the appeal on the record and no new evidence shall be introduced. The affected employee may appear in person or by counsel and argue why the decision should be modified or reversed. The board may sustain the decision, send the record back if additional evidence is necessary, revise the penalty, or reverse the decision. Before any findings and decision are sustained or punishment inflicted, a majority of the membership of the board shall concur in sustaining the charges and decision. The board shall render its decision on the appeal within ten (10) working days after the conclusion of the hearing.

(g) Any party dissatisfied with the decision rendered by the board shall have the right to appeal to the chancery court in the county where the school system is located within twenty (20) working days after receipt of the dated notice of the decision of the board of education. It shall be the duty of the board to cause the entire record and other evidence in the case to be transmitted to the court. The review of the court shall be de novo on the record of the hearing held by the hearing officer and reviewed by the board.

(h) The director of schools shall also have the right to appeal any adverse ruling by the hearing officer to the board under the same conditions as are set out in this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.